

REMARKS

Claims 43-66 are pending in the application.

Claims 43-66 have been rejected.

Claims 57-61 and 65 have been canceled, without prejudice.

Claims 43, 62 and 63 have been amended, as set forth herein.

New Claims 67-78 have been added, as set forth herein.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 43, 44, 52, 53, 57, 59, 60, 63 and 65 were rejected under 35 U.S.C. § 102(b) as being anticipated by Iwaszkiewicz, et al. (US 4,590,950). The rejection is respectfully traversed.

Independent Claim 43 (as amended) generally recites first and second conductors; first, second and third openings; first and second and third conductive links within the respective openings; and first and second band electrodes. Iwaszkiewicz fails to disclose a first band electrode electrically connected via two conductive links to the first conductor and a second band electrode electrically connected via a third conductive link to a second conductor.

Independent Claim 62 (as amended) generally recites first and second conductors; first, second, third and fourth tunnels; first, second, third and fourth conductive links within the respective tunnels; and first and second electrodes positioned at the distal end. Iwaszkiewicz fails to disclose a first electrode electrically connected via two conductive links to the first conductor

at the distal end and a second electrode electrically connected via two other conductive links to the second conductor at the distal end.

Independent Claim 63 (as amended) generally recites first and second conductors that are each spaced about the same distance from a longitudinal axis of the body member; first and second and third conductive links extending through the wall; and first and second band electrodes positioned at the distal end or the proximal end. Iwaszkiewicz fails to disclose a first band electrode electrically connected via two conductive links to the first conductor and a second band electrode electrically connected via a third conductive link to a second conductor, with both the first and second band electrodes at the distal or proximal end. In addition, the cited reference fails to disclose that “the first conductor and the second conductor are each spaced about the same distance from a longitudinal axis of the body member” as recited in Applicant’s Claim 63.

Independent Claim 67 (new) generally recites first and second conductors; first, second, third and fourth regions formed by removal of portion of the insulator to expose a portion the first and second conductors; and first and second electrodes. Iwaszkiewicz fails to disclose a first electrode electrically connected to the first conductor via the two regions and a second electrode electrically to the second conductor via the other two regions.

Independent Claim 70 (new) generally recites first and second conductors that are each spaced about the same distance from a longitudinal axis of the lead body; first, second, third and fourth tunnel regions formed by removal of portion of the insulator to expose a portion the first and second conductors; first, second, third and fourth conductive links; and first and second

bands. Iwaszkiewicz fails to disclose a first band electrically connected to the first conductor via the two tunnel regions and a second band electrically to the second conductor via the other two tunnel regions. In addition, the cited reference fails to disclose that “the first conductor and the second conductor are each spaced about the same distance from a longitudinal axis of the body member” as recited in Applicant’s Claim 70.

Independent Claim 75 (new) generally recites first and second conductors; first, second, third and fourth openings formed by removal of portions of the insulator expose different portions of the first and second conductors; first, second, third and fourth conductive links; and first and second bands. Iwaszkiewicz fails to disclose a first band electrically connected to the first conductor via the two conductive links with the respective openings and a second band electrically to the second conductor via the other two conductive links with the other respective openings.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(b) rejection of independent Claims 43 and 63 (as amended).¹ Moreover, Applicant has shown that the cited reference fails to disclose each and every element of independent Claim 62 (as amended) and new independent Claims 67, 70 and 75.

II. REJECTIONS UNDER 35 U.S.C. § 103

¹ Including the 102 rejection of dependent Claims 54 and 66.

Claims 45-50, 54, 55, 56, 61, 62 and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwaszkiewicz (US 5,590,950). Claims 51, 58 and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwaszkiewicz (US 5,590,950) in view of Willis (US 5,433,742) (or Gotthardt, et al. US 5,016,646). The rejections are respectfully traversed.

For the same reasons set forth above in response to the Office Action's 102 rejection based upon Iwaszkiewicz, none of the cited references, either alone or in combination, disclose, teach or suggest the Applicant's claimed invention, as amended.

Moreover, Applicant respectfully submits that "duplication of parts" of Iwaszkiewicz is not obvious with respect to Applicant's invention. The disclosure of Iwaszkiewicz fails to allow or apply multiple band electrodes at each end of the lead (using Iwaszkiewicz' conductor structure and connection mechanism). The conductor of Iwaszkiewicz is illustrated as coiled, virtually unitary (no spacings between the wire), and extends substantially the length of the lead. Accordingly, if such conductor and connection mechanism were duplicated, the lead construction would be more complicated and the lead body would increase significantly in cross-sectional dimension – as necessitated by multiple levels of conductors extending the length of the lead. This would unnecessarily increase the diameter of Iwaszkiewicz' lead. However, Applicant's lead allows for multiple band electrodes without substantially increasing the diameter of the lead. As such, Applicant respectfully submits that Applicant's invention as claimed, is unobvious, since it provides distinct advantages not produced by "duplication" of Iwaszkiewicz (in fact, mere duplication of Iwaszkiewicz is problematic).

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 45-50, 51, 54, 55, 56, 58, 61, 62 and 64

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

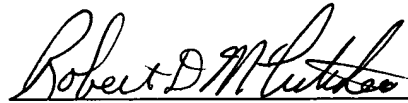
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 1/29/2004



Robert D. McCutcheon
Registration No. 38,717

Docket Clerk - DM/ANSI
P.O. Box 802432
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@davismunck.com*